

REMARKS

This is a Response to the Office Action mailed February 23, 2007, in which a three (3) month Shortened Statutory Period for Response has been set, due to expire May 23, 2007. Enclosed is the requisite fee for a three-month extension of time, set to expire August 23, 2007. Claims 1, 8, and 19 are currently amended. Claims 7 and 18 are canceled. No new matter has been added to the application. No fee for additional claims is due by way of this Amendment. The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090. Upon entry of the amendments herewith, claims 1-6, 8-17, 19, 21-23, and 25-29 remain pending.

1. Objections to the Claims

At paragraph 2 of the Office Action, claims 7 and 18 were objected to under 37 C.F.R. 1.75(c). Claims 7 and 18 are canceled without prejudice, waiver, or disclaimer, and therefore the objection to these claims is rendered moot.

At paragraph 3 of the Office Action, claim 8 was objected to “because there is no basis for the term ‘electrical element.’ Electrical element is a limitation of claim 3, but claim 8 depends from claim 2.” Claim 8 is amended to depend upon claim 3. Accordingly, Applicant respectfully requests withdrawal of the objection to claim 8. Applicant thanks the Examiner for suggesting the amendment to overcome the objection.

2. Obviousness-Type Double Patenting Rejection

The Office Action has rejected claims 1-6, 8-19, and 21-23 under the judicially created doctrine of obviousness-type double patenting as being obvious over copending U.S. Patent Application No. 10/380,786 (Docket No. 970054.435USPC) filed by Aloys Wobben. Applicant notes that an Office Action for Patent Application No. 10/380,786 was mailed March 6, 2007. No reply to the Office Action mailed March 6, 2007 was filed by the Applicant by the three-month reply due date of June 6, 2007. Accordingly, the Patent Application No. 10/380,786 has become abandoned. Furthermore, the maximum statutory period for the Patent Application No. 10/380,786 expires as of September 6, 2007. In view that Patent

Application No. 10/380,786 has become abandoned, and in view that the maximum statutory period expires on September 6, 2007, Applicant respectfully requests withdrawal of the obviousness-type double patenting rejection in the next Office Action.

3. Rejections Under 35 U.S.C. § 102(b)

In the Office Action, at paragraph 6, claims 1, 3-4, 7-8, 19, 21-23, 26-27, and 29 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by *Wichert* (“PV-Diesel Hybrid Energy Systems for Remote Area Power Generation – A Review of Current Practice and Future Developments”), hereinafter *Wichert*. For a proper rejection of a claim under 35 U.S.C. § 102, the cited reference must disclose all elements and/or features of the claim. See, e.g., *E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 U.S.P.Q.2d 1129 (Fed. Cir. 1988).

a. Claim 1

Applicant respectfully submits that independent claim 1 is allowable for at least the reason that *Wichert* does not disclose, teach, or suggest at least the feature of “a dc device connected to the dc bus bar for detecting the power required in the network” as recited in claim 1. The Office Action at page 6 alleges that “in order to calculate net load, it is inherent that *Wichert* includes a dc measuring device for detecting the power required in the network.” The Office Action at page 5 indicates such is apparently disclosed at *Wichert* pages 218-219. Applicant respectfully traverses the rejection for at least the following reasons.

Wichert discloses at pages 218-219 determining net load. However, there is no disclosure of a *dc device* that is *coupled* to the *dc bus bar* for *detecting power* required in the network. In *Wichert* Figure 2, a controller (illustrated as the round element connected to the switch via a dashed line) is operable to control the switch. The illustrated controller is not disclosed as being operable to measure power required in the network.

Prior art devices determine required power based upon detection of alternating current (ac) frequency. The ac frequency deviation about a nominal frequency value is then used to determine deficiencies or surpluses in power delivered to loads in the network. Alternatively,

it is possible to determine ac frequency from a device that measures the ac current. However, it is not inherent to have a dc device coupled to the DC bus bar for detecting power required in the network. Thus, *Wichert* does not anticipate claim 1, and the rejection should be withdrawn.

MPEP §2136.02 indicates that the “REFERENCE MUST ITSELF CONTAIN THE SUBJECT MATTER RELIED ON IN THE REJECTION” (printed in bold font in the MPEP). Since *Wichert* is limited to disclosing only measuring net load, and does not expressly disclose how such net load is measured, *Wichert* clearly does not disclose anywhere the feature of “a dc device connected to the dc bus bar for detecting the power required in the network” as recited in claim 1. To infer such a teaching, the Office Action must improperly assume or infer other facts not actually disclosed in *Wichert*. Accordingly, if claim 1 continues to be rejected based upon information alleged to be inherent in *Wichert*, Applicant respectfully requests that the Examiner “cite a reference in support of his or her position” or provide an affidavit specifically stating the alleged “facts within the personal knowledge of the examiner” as required under MPEP §2144.03.

b. Claim 19

Applicant respectfully submits that independent claim 19 is allowable for at least the reason that *Wichert* does not disclose, teach, or suggest at least the features of “detecting electrical power required in the network with a direct current (dc) device connected to a dc bus bar” as recited in claim 19. The Office Action at page 6 alleges that “in order to calculate net load, it is inherent that *Wichert* includes a dc measuring device for detecting the power required in the network.” The Office Action at page 5 indicates such is apparently disclosed at *Wichert* pages 218-219. Applicant respectfully traverses the rejection for at least the following reasons.

Wichert discloses at pages 218-219 determining net load. However, there is no disclosure of any type of dc device that detects power required in the network. In *Wichert* Figure 2, a controller (illustrated as the round element connected to the switch via a dashed line) is operable to control the switch. It is not disclosed as being operable to measure power required in the network.

Prior art devices determine required power based upon detection of alternating current (ac) frequency. The ac frequency deviation about a nominal frequency value is then used to determine deficiencies or surpluses in power delivered to loads in the network. Such devices may measure ac frequency of an ac voltage. Alternatively, it is possible to determine ac frequency from a device that measures the ac current. However, it is not inherent to have a device coupled to the dc bus bar that detects the power required in the network. Thus, *Wichert* does not anticipate claim 19, and the rejection should be withdrawn.

MPEP § 2136.02 clearly indicates that the “REFERENCE MUST ITSELF CONTAIN THE SUBJECT MATTER RELIED ON IN THE REJECTION” (printed in bold font in the MPEP). Since *Wichert* is limited to disclosing only measuring net load, and does not expressly disclose how such net load is measured, *Wichert* clearly does not disclose anywhere the features of “detecting electrical power required in the network with a device connected to a dc bus bar” as recited in claim 19. To infer such a teaching, the Office Action must improperly assume or infer other facts not actually disclosed in *Wichert*. Accordingly, if claim 19 continues to be rejected based upon information alleged to be *inherent* in *Wichert*, Applicant respectfully requests that the Examiner “cite a reference in support of his or her position” or provide an affidavit specifically stating the alleged “facts within the personal knowledge of the examiner” as required under MPEP § 2144.03.

c. Claims 3, 4, 7, 8, 21-23, 26, 27 and 29

Because independent claim 1 is allowable over the cited art of record, dependent claims 3, 4, 8, 26, 27, and 29 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that these dependent claims contain all features/elements of independent claim 1. Similarly, because independent claim 19 is allowable over the cited art of record, dependent claims 21-23 (which depend from independent claim 19) are allowable as a matter of law for at least the reason that these dependent claims contain all features/elements of independent claim 19. See, *e.g.*, *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Accordingly, the rejection to these claims should be withdrawn.

Claim 7 is canceled without prejudice, waiver, or disclaimer, and therefore, the rejection to this claim is rendered moot.

4. Rejections Under 35 U.S.C. § 103(a)

In the Office Action, at paragraph 8, claims 2, 11-14, 16-18, 25, and 28 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Wichert* in view of *De Zeeuw* (“On the Components of a Wind Turbine Autonomous Energy System”). At paragraph 9, claims 5 and 10 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Wichert* in view of *Da Ponte* (U.S. Patent 6,175,217). At paragraph 10, claim 6 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Wichert* in view of *Jaunich* (U.S. Patent 6,605,880). At paragraph 11, claim 9 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Wichert* in view of *De Zeeuw* and further in view of *Suzuki* (JP 2000-073931A). At paragraph 10, claim 15 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Wichert* in view of *Offringa* (EP 046 530 A1).

Because independent claim 1 is allowable over the cited art of record, dependent claims 2, 5, 6, 9-17, 25, and 28 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that these dependent claims contain all features/elements of independent claim 1. Accordingly, the rejection to these claims should be withdrawn.

Claim 18 is canceled without prejudice, waiver, or disclaimer, and therefore, the rejection to this claim is rendered moot.

5. Conclusion

In light of the above amendments and remarks, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that all pending claims 1-6, 8-17, 19, 21-23, and 25-29 are allowable. Applicant, therefore, respectfully requests that the Examiner reconsider this application and timely allow all pending claims. The Examiner is encouraged to contact Mr. Armentrout by telephone to discuss the above and any other distinctions between the claims and the applied references, if desired. If the

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Examiner notes any informalities in the claims, he is further encouraged to contact Mr. Armentrout by telephone to expediently correct such informalities.

Respectfully submitted,
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